

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
February 15, 2004  
Tribal Court Room 7500 Odawa Circle  
Smudging 9:15 a.m.  
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:54 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent: Councilor Rita Shananaquet-excused

Legal Staff Present: James Bransky, General Counsel

Staff Present: Albert Colby, Michele LaCount, Valerie Tweedie, Heidi Yapple, Jamie Barrientoz, Bryan Gillett, Dawn Shenoskey, Barry Crowell

Guests: Thomas Teuthorn, Edith Teuthorn, Theresa Henry, Maureen Kilpatrick, Carol McFall, Rita Shepard, Marcia Sutton, Brittany Bentley, Paul Martell, Ryan Martell, Sarah Martell, Kim Martell, Su Lantz, Shann Davenport, Tim Todd, Justine Todd, Dollie Keway, Donald Lasley

Commissions present: Gaming Administration

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Opening Ceremony: Tom Teuthorn, Tribal Member

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to adopt the agenda as presented February 15, 2004, as amended.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the minutes, of February 1, 2004 as corrected.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Treasurer's report for February 15, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet)

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Administrator's report for February 15, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #021504-001 Authorization for FY 2004 PL 93-638 Contract.

Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law that the Community Meeting that is scheduled for the weekend of May 15-16 2004 be held with the membership and that no Tribal Council meeting that was scheduled for May 16, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

11:00 a.m. Recess called

11:13 a.m. Meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to direct the Tribal Administrator to reprimand the Education Director for placing unnecessary education requirements on department positions effectively undermining the Tribe's Indian Preference policy.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

11:49 a.m. Public Comment: Don Lasley

11:52 a.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Chairman's written and verbal report for February 15, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

12:09 p.m. Lunch recess called until 1:30 p.m.

1:47 p.m. Meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to donate \$1,700 to Justine Todd to attend a Close Up trip to Washington D.C., from donations line.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to donate \$1,000 to Sarah Martel to attend a World Strides Educational trip to Washington D.C., from donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to donate \$1,150 to cover the expenses for Su Lantz to attend the Midwest Regional Realty Conference, to be held in March 2004, to come from donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara that we donate \$5,000 to Michigan Farmland & Community Alliance to come from the donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to donate \$5,000 to the National Museum of American Indian, from the donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to help sponsor the 2004 Governors' Inter-State Indian Council Annual Conference in the amount of \$3,000 to come from the donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to authorize any Tribal Council member to attend the Racino and Tuition Waiver meeting at the Saginaw Chippewa Tribe in Mt. Pleasant, in February 2004, to include stipend and travel expenses.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to establish a Capital Project fund to cover expense for the Victories II project to be funded from the 50% retained for capital improvement by the Gaming Administration under Resolution #012002-02 in the initial amount of \$100,000.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to negotiate a contract with Kevin Kane up to the amount of \$20,000 to serve as the owner's representative for the Victories II project, initial phase, and authorize the Tribal Chairman to sign.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept proposal for initial services for planning phase of Victories II project as set out in letter dated February 3, 2004 from Christman Kraus-Anderson Construction Company, for an amount not to exceed \$24,500, and authorize the Tribal Chairman to sign.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept letter proposal for Professional Services—Initial Planning Phase-Casino Resort Complex, Petoskey, Michigan as set out in the letter dated February 3, 2004 from Leo A. Daly Company, and authorize the Tribal Chairman to sign.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to authorize all Tribal Council Members to attend 2004 Native American Critical Issues Conference March 18 – 20, 2004 at the Sault Band Ojibwe Reservation and the 11th Annual Stabilizing Indigenous Languages Conference, June 11 – 13, 2004 in Berkley California, and to authorize stipend, travel, and per diem.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Legal Department's report given by James Bransky, for February 15, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained  
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to authorize retention of the law firm of Drummond Woodsum, McMahon, Kanji & Katzen of counsel, alone or jointly with other

interested tribes, to prepare a memorandum with regard to legal options in the event the Michigan Supreme Court overturns the Michigan Court of Appeals in the TOMAC case (MI Supreme Court Docket No. 122830, Court of Appeals Docket No. 225017 Ingham County Circuit Court Case No. 99-90195-CZT) not to exceed \$10,000 to come from the 2004 Legal Department budget.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

3:32 recess called

3:50 p.m. Meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the resignation of Victories General Manager, effective immediately.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

4:16 p.m. 2-minute recess called

4:23 p.m. Meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to support the Gaming Administration decision to contract John Espinosa as an interim General Manager for Victories Casino.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that we accept the Gaming Administration's report as given by Chairperson Sherri Patton.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law Request for Funding from the National Park Service, Tribal Preservation Program Heritage Preservation Services, FY 2004 Historic Preservation Fund Grants to Indian Tribes, Alaskan Natives, and Native Hawaiian Organizations for Waganakising Odawak Identity Preservation Project".

Motion Withdrawn

4:42 p.m. Public Comment opened

4:42 p.m. Public Comment closed

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #021504-02 Request for Funding from the National Park Service, Tribal Preservation Program Heritage Preservation Services, FY 2004 Historic Preservation Fund Grants to Indian Tribes, Alaskan Natives, and Native Hawaiian Organizations for Waganakising Odawak Identity Preservation Project".

Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #021504-03 Request for Funding from the Office of Justice Programs, United States Department of Justice, Bureau of Justice Assistance, Juvenile Drug Court Implementation Grant Program, FY 2004, with a cash match of \$100 to come from the General Fund.

Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the Master Land Use Plan Public meeting Work Plan.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the King's Inn Business Plan presented by Economic Department Director Jamie Barrientoz.

Vote: 6 Yes, 0 No, 1 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Burial Fund request A0066 for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial request #A0067 in the amount for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that we donate for sponsorship to Midwest Alliance of Sovereign Tribes Impact Week March 22-24, 2004 in the amount of \$2,500 to come from the General Fund.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to authorize all Tribal Council to attend Midwest

Alliance of Sovereign Tribes Impact Week March 22-24, 2004 in Washington D.C. and authorize travel, stipend and per diem.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to authorize Tribal Council to attend the Anishnabimowinteg in Sault Ste Marie March 25-28, 2004 to include travel, per diem and stipend.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to adjourn at 5:55 p.m. March 15, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

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Dexter McNamara, Tribal Secretary

Date